

### **REMARKS**

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Claims 1-20 are now present in this application, of which claims 1 and 9 are independent.

Amendments have been made to the Abstract of the Disclosure, claim 8 has been canceled, claims 1, 2, 4-7, and 9-16 have been amended, and claims 17 and 18 have been added.

Reconsideration of this application, as amended, is respectfully requested.

### **Priority Under 35 U.S.C. § 119**

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

### **Drawings**

The Office Action indicates that the drawings are accepted by the Examiner, and therefore no further action is necessary.

### **Objection to the Abstract of the Disclosure**

The Examiner has objected to the Abstract of the Disclosure reminding the Applicants of the proper language and format of an abstract. In order to overcome this objection, Applicants have amended the Abstract of the Disclosure.

Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

### **Nonstatutory Obviousness-Type Double Patenting Rejection**

Claims 1-3 and 9-11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 6, and 11-16 of copending Application No. 10/722,150.

Claims 1-3 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 10-12, and 15 of copending Application No. 10/722,426.

Claims 1-6 and 9-14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 5-13 of copending Application No. 10/722,443.

Applicants respectfully submit that the claims, as amended, overcome this rejection. In addition, Applicants submit that the Examiner has not made out a prima facie case of obviousness by explaining in detail how the individual claims rejected in the application are obvious, thereby not meeting the Examiner's burden of proof.

In addition, Applicants note that Application No. 10/722,150 is directed to a patent application entitled "TENSION-VARYING SLIDER FOR A SET OF THREE SLATS" that has issued as U.S. Patent No. 6,983,497 and is assigned on its face to Tournadre S.A. Standard Gum. Therefore the rejection using this application for obviousness-type double patenting is not applicable.

Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

### **Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 1-6, 8-14, and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,256,823 to Kronbetter et al. ("Kronbetter"). Claims 7 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kronbetter. These rejection are respectfully traversed.

Complete discussion of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

In order to advance prosecution of the present application, independent claim 1 has been amended to recite a combination of elements in a gasket including, *inter alia*, "a laundry-stuck preventing part extending inwardly from an interior side of the leakage preventing part around an entire inner circumference of the leakage preventing part to prevent the laundry from being stuck between the second and third openings."

Similarly, claim 9 has been amended to recite a combination of elements in a drum washing machine including, *inter alia*, "a laundry-stuck preventing part extending inwardly from an interior side of the leakage preventing part around an entire inner circumference of the leakage preventing part to prevent the laundry from being stuck between the second and third openings."

Applicants submit that the ribs 69A, 69B, and 69C of Kronbetter are all formed on an exterior surface of bellows 44. Furthermore, the ribs 69A, 69B, and 69C are part of the fastening arrangement that attaches bellows 44 to the tub 40, and as such they are not formed around an entire inner circumference of the bellows 44. Thus the ribs 69A, 69B, and 69C do not prevent particles from being put in a space between drum 30 and tub 40.

For at least this reason, Kronbetter fails to show or describe the claimed invention and the § 102 rejection of claims 1 and 9 should be withdrawn. Furthermore, the alleged rejections because of obviousness do not relate to the claimed features identified above and therefore any such modifications would not overcome the above deficiencies. Applicants do not admit to the obviousness rejections as they relate to features set forth in dependent claims 7 and 15.

With regard to dependent claims 2-8 and 10-16, Applicants submit that these claims depend, either directly or indirectly, from one of independent claims 1 and 9, which are allowable for the reasons set forth above, and therefore these claims are allowable based on their dependence from one of claims 1 and 9, as well as for their additionally recited subject matter.

Reconsideration and allowance thereof are respectfully requested.

#### **Claims 17-20**

Claims 17 and 18 have been added for the Examiner's consideration.

Applicants submit that claims 17-20 depend, either directly or indirectly, from one of independent claims 1 and 9, and are therefore allowable based on their dependence from claims 1 and 9, which are believed to be allowable.

In addition, claims 17-20 recite further limitations which are not disclosed or made obvious by the applied prior art references.

Consideration and allowance of claims 17-20 are respectfully requested.

#### **Additional Cited References**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

**Office Action**

The Office Action contains numerous characterizations of the invention, the claims, and the related art, with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

**Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: March 12, 2007

Respectfully submitted,

By 

James T. Eller, Jr.

Registration No.: 39,538

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants

CDW